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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,591	03/26/2001	Yihong Gong	CA1122	7751
23493	7590	12/18/2008		
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			EXAMINER TRAN, QUOC A	
			ART UNIT 2176	PAPER NUMBER
			NOTIFICATION DATE 12/18/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com  
USPatDocketing@sughrue.com

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

09/817,591

**Applicant(s)**

GONG ET AL.

**Examiner**

Quoc A. Tran

**Art Unit**

2176

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-32.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Quoc A. Tran/  
Examiner, Art Unit 2176

/Doug Hutton/  
Supervisory Patent Examiner  
Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's Request for reconsideration Remarks filed 12/04/2008 have been fully considered but they are not persuasive. The reason is set forth in the Final Office Action mailed 09/04/2008 and further view of the following:

Applicant's arguments are substantially directed towards the SAME ISSUES, which were presented in the Final Office action dated 09/04/2008; particularly the response the remarks section at Pages 26-41 of the Final Office Action dated 09/04/2008 (see the Final Office Action dated 09/04/2008 for details).

For further clarification, "What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103." KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727, 1742 (2007). To be nonobvious, an improvement must be "more than the predictable use of prior art elements according to their established functions." Id. at 1740.

In this case, the Examiner's analysis Hwang discloses a text summarizer that allows the selecting sentences for inclusion in the document text summary based upon the ranking (i.e. score representing high degree of relevance.) [Para 10 and the Abstract]. Also Hwang further discloses the selecting sentences for inclusion in the document text summary based upon the ranking, then the sentences determined for inclusion are then extracted [the selected sentences are remove from the document] along with any desired context information (e.g., which paragraph each sentence is from, etc.) This is generally disclosed at [Para 40-41 of Hwang]. Foltz discloses a segment vector can be an entire reference text, abstract, title of a document, at least one paragraph of a text, at least one sentence of a text, or a collection of text objects that convey an idea or summarizes a topic. Each document is allocated a single vector within the data matrix, wherein the data matrix is weighted and associated with term-frequency vector of a segment vector of the document. Foltz applied the widely used, LSI [Latent Semantic Indexing or LSA [Latent Semantic Analysis] and reduced SVD [Singular Value Decomposition]. This is generally disclosed at [Column 2, Lines 20-25 and Column 10 Lines 15-25]. This allows a sample text being analyzing and evaluating, such as essay(s), or document(s). This methodology compares sample text to a reference essay(s), document(s), or text segment(s) within a reference essay or document. The methodology analyzes the amount of subject-matter information in the sample text, analyzes the relevance of subject matter information in the sample and evaluates the semantic coherence of the sample. This methodology presumes there is an underlying, latent semantic structure in the usage of words. The method parses and stores text objects [terms, key words] and text segments [sentences, phrases, and paragraph] from the sample text and reference text into a two-dimensional data matrix (i.e. term (i) of document (j)). In addition, a weight is computed for each text object and applied to each data matrix cell value and performs a singular value decomposition [SVD] on the data matrix, which produces three trained matrices and computes a vector representation of the sample text and reference text using the three trained matrices. The methodology compares the sample text to the reference text by computing the cosine between the vector representation of the sample text and the vector representation of the standard reference text or the dot product is used to compare the sample text to the standard reference text. A grade [score, weight or the relevancy value] is assigned to the sample text based on the degree of similarity between the sample text and the standard reference text [Abstract]. Boguraev discloses a method and system that is relates to presentation of documents in a manner that allows the user to quickly ascertain their contents [Column 1, Line 20] wherein the document structure included the local and global salient value for every referent in the text that is available by anaphora resolution [Column 11, Lines 55-65]. Cohen applied the widely used vector space model and TF-IDF weighting scheme with assigning weight terms with unit length normalization; to normalizing each said weighted document term-frequency vector by dividing the weighted document term-frequency vector by a magnitude of the weighted document term-frequency vector, also known as the COSINE of the angle between V1 and V2, wherein V and W are two document vector content term t of whole document T and are magnitude of the general idea behind this scheme is that the magnitude of the component vector Vt and Wt is related to the "importance" of the term t in the document T (two documents are similar when they are sharing many "important terms". This is generally discloses at [Page 290-291 of Cohen]. It is noted the above usually interpreted as the COSINE of the angle between V1 and V2, and system that is relates to presentation of documents in a manner that allows the user to quickly ascertain their contents [Column 1, Line 20] wherein the document structure included the local and global salient value for every referent in the text that is available by anaphora resolution [Column 11, Lines 55-65].

As recognized by the Examiner, Hwang's text summarizer does not expressly teach the use of creating a weighted document term-frequency vector ... creating a weighted sentence term-frequency vector ... computing a score for each said weighted sentence term-frequency vector in accordance with relevance to said weighted document term-frequency vector. On the other hand, in what is fairly characterized as analogous art in accordance with the above-noted case law, Foltz teaches a segment vector can be ... an entire reference ... [or] at least one sentence of a text .... This is generally disclose [at column 2, lines 20-25 and column 10, lines 15-25 and col. 10, lines 18-21]; further in view of Boguraev discloses a method and system that is relates to presentation of documents in a manner that allows the user to quickly ascertain their contents [Column 1, Line 20] wherein the document structure included the local and global salient value for every referent in the text that is available by anaphora resolution [Column 11, Lines 55-65]; and Cohen applied the widely used vector space model and TF-IDF weighting scheme with assigning weight o terms with unit length normalization; to normalizing each said weighted document term-frequency vector by dividing the weighted document term-frequency vector by a magnitude of the weighted document term-frequency vector, also known as the COSINE of the angle between V1 and V2.

Therefore, the artisan would have well appreciated that Foltz relates to creating a weighted document/sentence term-frequency vector utilizing LSI or LSA and SVD known method that is enabling the feature of said based upon the score representing high degree of relevance of the selected sentences, then exacted from the document as in Hwang and included a means of quickly ascertain document contents structure included the local and global salient value for every referent in the text that is available by anaphora resolution and Cohen's method of applied the widely used vector space model and TF-IDF weighting scheme with assigning weight o terms with unit length normalization; to normalizing each said weighted document term-frequency vector by dividing the weighted document term-frequency vector by a magnitude of the weighted document term-frequency vector, also known as the COSINE of the angle between

V1 and V2. Base upon the creating a weighted document/sentence term-frequency vector utilizing LSI or LSA and SVD known method that is enabling the feature of said based upon the score representing high degree of relevance of the selected sentences, then exacted from the document, for the purpose of providing a predictable result of said delivering fully informative and automatically generate a text summary from a document focused on the user's interests - See Hwang at Page 1-2 Para 12.

Therefore Examiner respectfully maintains the rejection of the Final Rejection mailed 09/04/2008 at this time.

/Quoc A. Tran/  
Examiner, Art Unit 2176